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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,322	09/25/2003	John Emmett Riordan III	1137-11	4132

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EXAMINER

SCHNEIDER, CRAIG M

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/669,322	Applicant(s) RIORDAN ET AL.	
	Examiner Craig M. Schneider	Art Unit 3753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/14/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/14/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-2, 4-11, and 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The vertical line that is created by the intersection of the two plates (38) does not lie within the connecting member.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 1-2 and ^{4-11 and 18-20 EK}~~4-20~~ are rejected as understood under 35 U.S.C. 103(a) as being unpatentable over Marandi (5,575,308) in view of Heenan et al. (3,825,186).

Marandi discloses an apparatus for restraining movement of a valve (10) embedded in the ground comprising an anchor (30) for securement to the valve and including an anchor body (31) for disposition in the ground and having at least first and second plates (32 and 33) spaced from one another and a connecting member (45, 46, 34, and 35)(col. 5, lines 17-23 and 45-48) carried by the anchor body connecting the plates to one another as seen in Figures 3 and 4(col. 4, lines 18-30) and engageable

with the valve to substantially minimize or eliminate rotational movement of the valve relative to the anchor in response to a torque applied to the valve to open or close the valve (col. 4, lines 56-65). Marandi further discloses a means (42) carried by the anchor body for engaging the valve to substantially eliminate or minimize rotational movement of the valve relative to the anchor upon rotational movement applied to the valve to open or close the valve (col. 4, lines 35-55).

Marandi claims all the features of the claimed invention except that the plates are extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect one another along a generally vertical line wherein the planes and the plates lying in the planes are oriented about 90° relative to one another, with the vertical line lying within the connecting member. Heenan et al. disclose having at least first and second plates (two of the four will be used since the term comprising is used in the claim)(10)(col. 3, lines 42-51) spaced from one another and extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect one another along a generally vertical line wherein the planes and the plates lying in the planes are oriented about 90° relative to one another with the vertical line lying within the connecting member.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the plates of Lovell onto the valve anchor of Marandi, in order to provide stabilization if a torque is applied to the anchored valve.

Regarding claim 2, Marandi-Heenan et al. in combination disclose that the connecting member lies to one side of the vertical line.

Regarding claim 4 and 15, Marandi-Heenan et al. in combination disclose that the anchor has a center of support against vertical movement, the center of support lying laterally offset from the vertical line and closely spaced to or coincident with the vertical axis.

Regarding claim 5, Marandi-Heenan et al. in combination disclose that the connecting member includes a plurality of angularly-related flats (50-53) for engagement about the valve (col. 4, 30-34)(Marandi).

Regarding claim 6, Marandi-Heenan et al. in combination disclose that the flats extend along the connecting member between upper edges of the plates, and define a recess in the connecting member (40)(Marandi) having a lateral opening for receiving the valve (col. 4, lines 30-34)(Marandi).

Regarding claim 7, Marandi-Heenan et al. in combination disclose that the connecting member includes an arm (43) having a first flat (53) in generally horizontal registration with a second flat (50), the first and second flats lying diametrically opposite one another and to one side of the vertical line as seen in Figure 4 of Marandi.

Regarding claim 8, Marandi-Heenan et al. in combination disclose that the connecting member includes a reinforcing plate extending generally horizontally between said vertically extending plates as seen in figure 4 of Marandi.

Regarding claim 9, Marandi-Heenan et al. in combination disclose that the planes and the plates lying in the planes are oriented about 90° relative to one another, the connecting member including a plurality of angularly-related flats facing inwardly

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from and formed along an inner edge of the horizontal plate, the flats defining a recess in the connecting member having a lateral opening for receiving the valve.

Regarding claim 11, Marandi-Heenan et al. in combination disclose that the plates each have a height to width ratio of 2:1 as seen in Figure 3 of Heenan et al..

5. Claims 12-13 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marandi (5,575,308) in view of Nelson (3,342,444).

Marandi discloses an apparatus for restraining movement of a valve (10) embedded in the ground comprising an anchor (30) for securement to the valve and including an anchor body (31) for disposition in the ground and having at least first and second plates (32 and 33) spaced from one another and a connecting member (45, 46, 34, and 35)(col. 5, lines 17-23 and 45-48) carried by the anchor body connecting the plates to one another as seen in Figures 3 and 4(col. 4, lines 18-30) and engageable with the valve to substantially minimize or eliminate rotational movement of the valve relative to the anchor in response to a torque applied to the valve to open or close the valve (col. 4, lines 56-65). Marandi further discloses a means (42) carried by the anchor body for engaging the valve to substantially eliminate or minimize rotational movement of the valve relative to the anchor upon rotational movement applied to the valve to open or close the valve (col. 4, lines 35-55).

Marandi claims all the features of the claimed invention except that the plates are extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect one another along a generally vertical line. Nelson discloses having at least first and second plates (30)(col. 2, lines 24-44) spaced from

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one another and extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect on another along a generally vertical line as seen in Figure 4.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the plates of Nelson onto the valve anchor of Marandi, in order to compact the earth to provide stabilization if a torque is applied to the anchored valve (col. 1, lines 34-37).

Regarding claim 15, Marandi-Nelson in combination disclose that the anchor has a center of support against vertical movement, the center of support lying laterally offset from the vertical line and closely spaced to or coincident with the vertical axis.

6. Claims 12, 14, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marandi (5,575,308) in view of Lovell (3,850,128) and in further view of Nelson (3,342,444).

Marandi discloses an apparatus for restraining movement of a valve (10) embedded in the ground comprising an anchor (30) for securement to the valve and including an anchor body (31) for disposition in the ground and having at least first and second plates (32 and 33) spaced from one another and a connecting member (45, 46, 34, and 35)(col. 5, lines 17-23 and 45-48) carried by the anchor body connecting the plates to one another as seen in Figures 3 and 4(col. 4, lines 18-30) and engageable with the valve to substantially minimize or eliminate rotational movement of the valve relative to the anchor in response to a torque applied to the valve to open or close the valve (col. 4, lines 56-65). Marandi further discloses a means (42) carried by the anchor

body for engaging the valve to substantially eliminate or minimize rotational movement of the valve relative to the anchor upon rotational movement applied to the valve to open or close the valve (col. 4, lines 35-55).

Marandi claims all the features of the claimed invention except that the plates are extending generally vertically in discrete planes non-parallel to one another and which planes, when extended, intersect one another along a generally vertical line. Lovell discloses having at least first and second plates (18)(col. 2, lines 24-44) spaced from one another and extending generally vertically in discrete planes non-parallel to one another. Nelson further discloses having plates (30) at the end of the radiating plates (16) plates and which planes of the plates (30)(col. 2, lines 24-44), when extended, intersect one another along a generally vertical line.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the four plates of Lovell with the spade portion of Nelson onto the anchor of Marandi, in order to add more stability with the four plates of Lovell and the pincer action of the spade plates of Nelson (col. 2, lines 44-54).

Response to Arguments

7. Applicant's arguments with respect to claims 1-2, 4-11, and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

8. Applicant's arguments filed 3/8/2006 have been fully considered but they are not persuasive. Applicant claims to have amended Claim 12 to add further limitation in regards to the vertical intersection line but does not.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig M. Schneider whose telephone number is (571) 272-3607. The examiner can normally be reached on M-F 8:30 -5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Keasel can be reached on (571) 272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CMS *cmj*
May 15, 2006



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